

# Copyrighting Creativity: Creative Values, Cultural Heritage Institutions and Systems of Intellectual Property

Tate Modern, Level 1 Starr Auditorium

File sharing, peer-to-peer, Open Access and the Creative Commons; any given day the media overflows with references to these and similar phenomena. New forms of collaboration emerge in Internet-based fan communities as well as in the Arts, Sciences, and Humanities. Digitisation expands the horizon of creative possibilities and in doing so puts pressure on the viability and applicability of legal regimes constructed for an analogue world. These developments are at the very core of contemporary culture and have an impact on individuals as well as institutions.

Cultural heritage institutions are significant stakeholders in the new digital information infrastructures, but have so far largely remained in the periphery of the copyright debate. Recognizing their seminal role in making culture accessible and encouraging new creativity, the ambition of the CULTIVATE Collaborative Research Project is to address the relationship between creativity, intellectual property law, and cultural heritage from a European perspective and against the background of Europe's multitude of languages, cultures and legal traditions. Scholars from both the humanities and the social sciences, from cultural studies to law, have engaged in these issues together with cultural practitioners and representatives of cultural heritage institutions, fostering an interdisciplinary dialogue across and beyond academia proper.

Friday 26 April 2013 10.30-17.00

- 10.30 Welcome and Introduction **Marko Daniel** and **Helle Porsdam**
- 10.40 Pecha Kucha led by **Helle Porsdam**
- 11.25 Discussion and Q&A following Pecha Kucha by all speakers chaired by **Helle Porsdam**
- 12.30 Lunch Break
- 13.45 *Reproducing the Future* paper by **Marysia Lewandowska**
- Afternoon Session - Copyrighting Creativity: The Anthropological and Ethnological Aspect**  
headed by **Valdimar Hafstein**
- 14.45 **Martin Skydstrup** *Prior Possessions vs. Patrimonial Partage: Towards Trans-Atlantic Histories of Cultural Property*
- 15.30 Break
- 15.45 **Jane Anderson** *Anxieties of Authorship and Ownership: Copyright, Indigenous Collections, and De-colonial Futures*
- 16.30 Q&A and discussion chaired by **Valdimar Hafstein**
- 17.00 Conclusion

Saturday 27 April 2013 10.30-17.00

- 10.30 Welcome and Introduction **Marko Daniel** and **Helle Porsdam**
- Morning Session - Copyrighting Creativity: The Legal Aspect** headed by **Lucky Belder**, **Madeleine de Cock Buning** and **Fiona Macmillan**
- 10.40 **Kim Treiger** *Copyright, Creativity, and Transformative Use*
- 11.15 **Annemarie Beunen** *Copyright & digital cultural heritage: an update from the Dutch practice*
- 12.00 Break
- 12.10 **Darryl Mead** *Libraries, creativity and copyright*
- 12.55 Q&A and discussion headed by **Lucky Belder**, **Madeleine de Cock Buning** and **Fiona Macmillan**
- 13.10 Lunch break
- Afternoon Session - Copyrighting Creativity: The Humanities Aspect** headed by **Eva Hemmungs Wirtén**
- 14.10 **Peter Baldwin** *The Copyright Wars: Is the Tide About To Turn?*
- 14.55 **Stina Teilmann-Lock** *The Artfulness of Design: Copyright and the Danish Modern Inheritance*
- 15.40 Break
- 16.00 **Peter Schneck** *Who Owns Uncle Tom's Cabin? or The Past of Copyright and the Future of Literary Heritage*
- 16.45 Q&A and discussion chaired by **Eva Hemmungs Wirtén**
- 17.00 Closing remarks and conclusion by **Helle Porsdam**

**CULTIVATE Research Project Team:**

*Project Leader/Principal Investigator 01:* **Helle Porsdam**, Professor of American Studies, University of Copenhagen, Denmark.

*Principal Investigator 02:* **Eva Hemmungs Wirten**, Professor of Library and Information Science, Uppsala University, Sweden.

*Principal Investigator 03:* **Fiona Macmillan**, Professor of Law, Birkbeck School of Law, University of London.

*Principal Investigator 04:* **Madeleine de Cock Buning**, Professor of Intellectual Property Law and director of the Center of Intellectual Property Law (CIER), Utrecht University, the Netherlands.

*Principal Investigator 05:* **Valdimar Tr. Hafstein**, Assistant Professor of Folkloristics/Ethnology, University of Iceland, Iceland.

**Marko Daniel** is Convener, Adult Programmes at Tate.

## Speakers Biographies

### Martin Skrydstrup

Martin Skrydstrup did his undergraduate and graduate work in cultural anthropology at the Department of Anthropology, University of Copenhagen and holds a Ph.D. in cultural anthropology from Columbia University (2009). His doctoral training at Columbia was funded by Fulbright and the Danish Research Academy. His dissertation research focused on repatriation claims to American and Danish cultural property regimes. He sought to understand these claims by intersecting the rich body of anthropological work on exchange with postcolonial theory. Martin's research interests revolve around how expert knowledge systems practiced as law, finance or science can be ethnographically explored and constituted as anthropological objects of inquiry in their own right.

### Jane Anderson

Jane Anderson is Assistant Professor in the Center for Heritage and Society, Department of Anthropology, University of Massachusetts, and Adjunct Professor of Law at New York University School of Law. Her work is focused on the philosophical and practical problems for intellectual property law and the protection of Indigenous/traditional knowledge resources and cultural heritage. Since 2007 Anderson has worked as an Expert Consultant for the World Intellectual Property Organization on a number of policy proposals for the protection of traditional knowledge and cultural expressions. These include developing a framework for an international alternative dispute resolution/mediation service for intellectual property and Indigenous knowledge disputes, international guidelines for cultural institutions with Indigenous collections, and the development of site specific intellectual property protocols to assist local communities enhance and support already existing knowledge-management practices.

Anderson is currently working on a project with the Penobscot Nation in Maine; the development of the TK Licenses and Labels initiative; and, on her next book, *Legal Coloniality: Intellectual Property, Dispossession and the Search for Decolonial Knowledge Sharing Futures*.

### Marysia Lewandowska

Marysia Lewandowska is a Polish born artist based in London since 1985 who, through her collaborative projects has explored the public function of media archives, collections and exhibitions in an age characterized by relentless privatisation. Research has played a central part in all her projects. Her most recent projects engage with questions of ownership and unacknowledged knowledge, including *Women's Audio Archive* (2009) at CCS Bard College, NY and *Open Hearing* (2010) at the Women's Library, London. Intellectual Property was a subject of *How Public is the Public Museum?* (2010) at Moderna Museet in Stockholm. *Subject to Change* (2011) explored the history of students' protests and has been developed in collaboration with Curating Contemporary Art programme for their final exhibition *Shadowboxing* at the RCA, London. *Re-Distributed Archive* (2011) was made for Wroclaw Congress of Culture; Publishing in Process. *Ownership in Question* (2012) collaboration with Laurel Ptak was at Tensta konsthall, Stockholm; *Open Cinema* (2012) developed with architect Colin Fournier was a public intervention for Guimaraes 2012 European City of Culture, Portugal. Forthcoming is a book *Undoing Property?* Edited with Laurel Ptak, Sternberg Press 2013. She is a Professor of Art in the Public Realm at Konstfack in Stockholm where she established Timeline: Artists' Film and Video Archive.

### John Naughton

John Naughton is an Irish academic, journalist and author. He is Vice President of Wolfson College, Cambridge, Emeritus Professor of the Public Understanding of Technology at the British Open University, Adjunct Professor at University College, Cork and the Technology columnist of the London Observer newspaper. In collaboration with Professor Sir Richard Evans and Dr David Runciman, Naughton is a Principal Investigator on a five-year research project on 'Conspiracy and Democracy' funded by the Leverhulme Trust. The project is based in CRASSH (the Centre for Research in the Arts, Social Sciences and Humanities) at Cambridge University. He is also involved in research in the general area of the "Digital Humanities".

### **Kim Treiger-Bar-Am**

Dr. Kim Treiger-Bar-Am has taught at the Hebrew University since 2008, after her return to Israel upon completion of her master's and doctoral studies at the University of Oxford (M.Jur. '98, D.Phil. '06). Her earlier education was at Yale College and Law School ('85 B.A., '89 J.D.). Her main research and teaching interests in Civil Rights extend to speech theory and doctrine, and in Intellectual Property, she studies the juncture between speech rights and rights under copyright. Her publications and conference papers, in the United States, United Kingdom, Europe and Israel, as well as papers presented in Oxford, London, Copenhagen, Odense, Chicago, and in Israel, engage topics spanning her areas of interest.

### **Annemarie Beunen**

Annemarie Beunen read Dutch Law (specializing in copyright) and Art History at the Radboud University in Nijmegen. In 2007 she finished her PhD thesis at Leiden University on the sui generis protection for database producers in the European Database Directive. In addition to her position as Assistant Professor in Leiden, she is also the copyright lawyer of the National Library of the Netherlands. She is a member of the editorial board of the Dutch copyright journal AMI (Tijdschrift voor Auteurs-, Media- & Informatierecht).

### **Darryl Mead**

Dr Darryl Mead has been the Deputy National Librarian at the National Library of Scotland since late 2011. His career has focused on change management in medium-sized cultural organisations in Australia and Scotland. After an earlier career in archaeology, museums and art galleries, Darryl joined the National Library of Scotland in 2008 to establish joint back-office services with the National Galleries of Scotland. He is interested in using evidenced-based analysis to understand and improve the effectiveness of libraries. Current projects include collaborating on the introduction of non-print legal deposit in the UK, developing the National Library's digital strategy, setting up the National Sound Archive for Scotland and planning the relocation of the Scottish Screen Archive to central Glasgow.

### **Stina Teilmann-Lock**

Stina Teilmann-Lock holds a PhD in comparative literature. She is the author of *British and French Copyright: A Historical Account of Aesthetic Implications* (Copenhagen, 2009), co-editor of *Art and Law: The Copyright Debate* (Copenhagen, 2005) and *Ophavsretten i Krise* (Copenhagen, 2011) and has published numerous articles on copyright, art and design. She has worked as a patent administrator, has held a Carlsberg postdoctoral fellowship at the Danish Design School, a research fellowship at the Faculty of Law, University of Copenhagen and is now associate professor of design at the University of Southern Denmark

### **Peter Schneck**

Peter Schneck is Professor (Chair) of American Literature and Culture and dean of the faculty of languages and literatures at Osnabrück University. After studying American Studies and Media and Communication Studies at the Free University Berlin and at Yale University he received his Ph.D. at the FU Berlin. He has taught as an assistant and associate professor at the Amerika-Institute in Munich, and was a fellow at the National Museum of American Art, Smithsonian Institution in Washington D.C. and a visiting scholar at the University of California at Irvine, Nottingham University, and the University of Torino, Italy. Peter's publications include *Rhetoric and Evidence: Legal Conflict and Literary Representation in American Culture* (Berlin: DeGruyter, 2011); *Bilder der Erfahrung: Kulturelle Wahrnehmung im amerikanischen Realismus* (Frankfurt: Campus, 1998); *Media. Terrorism and the Ethics of Fiction: Transatlantic Perspectives on Don DeLillo* (co-ed, 2011); *Iconographies of Power: The Politics and Poetics of Visual Representation* (co-ed., 2003); *Making America: The Cultural Work of Literature* (co-ed., 2000); *Hyperkultur: Zur Fiktion des Computerzeitalters* (co-ed., 1996); as well as articles on literature and visual art, media history, cultural studies, and law and literature. Since 1997 Peter has been co-editing *PhiN.Philologie im Netz* ([www.phin.de](http://www.phin.de)), an online magazine for literary and cultural studies and linguistics. From 2008-2011 he served as president of the German Association for American Studies (GAAS).

**Peter Baldwin**

Peter Baldwin is a professor of History at the University of California, Los Angeles. He was educated at Yale and Harvard and has written several books on Europe in the 19th and 20th centuries.

A study of the state of trans-Atlantic relations between the United States and Europe from Oxford University Press was published in late 2009, entitled *The Narcissism of Minor Differences: How America and Europe are Alike*. A comparative history of intellectual property is forthcoming, entitled *Author v. Audience: The Trans-Atlantic Copyright Wars, 1710-2010*. He also has projects underway on privacy, on honor and a more general history of the state. Peter Baldwin and Lisbet Rausing form the Donor board of the Arcadia Fund, founded in 2001.